

REMARKS

In the Office Action dated April 11, 2008, Claims 1-9, 12, 14-16 and 18-37 are pending. The Examiner has made the restriction final. Claims 1-9, 12, 14-16, 18-21 and 24-37 are withdrawn from further consideration as directed to non-elected embodiments. Claims 22 and 23 are examined on the merits. Claims 22 and 23 are objected to for certain informalities. Claim 22 and 23 are rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Claim 22 is rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 22 and 23 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Naik et al. (*Journal of Comparative Neurology*, 426: 243-258, 2000).

This Response addresses each of the Examiner's objections and rejections. Applicants therefore respectfully submit that the present application is in condition for allowance. Favorable consideration of all pending claims is therefore respectfully requested.

In the first instance, Applicants have amended Claim 22 and canceled Claim 23 in order to clarify language and in an effort to favorably advance prosecution. Applicants reserve the right to file a continuation application to pursue Claim 22, as originally filed. Claim 22, as amended, incorporates the subject matter of Claim 23 into Claim 22 and delineates the claimed antibody as an antibody against PKM ζ . Support for the amendment to Claim 22 is found in the specification on page 3, first full paragraph and page 5, first full paragraph as well as Claim 23 as originally filed. No new matter is introduced by the amendment to Claim 22 and cancellation of Claim 23.

Claims 22 and 23 are objected to for spelling informalities. The Examiner states that the claims recite acronyms that are not spelled-out in their first use in the claims (i.e., aPKC and

PKM ζ). The Examiner states that the objection can be remedied by amending the claim language to define the acronyms so that they are clearly understood what they stand for. Applicants respectfully submit that Claim 22, as amended, recites the full name of the terms "aPKC" and "PKM ζ ." As such, the recited acronyms are clearly understood by one skilled in the art. Further in light of the cancellation of Claim 23, the objection of Claims 22 and 23 is obviated and withdrawal thereof is therefore respectfully requested.

Claims 22 and 23 are rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. The Examiner alleges that the claims do not sufficiently distinguish over antibodies that exist in nature. The Examiner suggests that the claims should be amended to indicate the hand of the inventor, e.g., by insertion of "purified" as taught by the recitation of "affinity-purified" on page 40 of the specification.

Applicants have amended Claim 22 in accordance with the Examiner's suggestion. Further in light of the cancellation of Claim 23, the rejection of Claims 22 and 23 under 35 U.S.C. §101 is overcome and withdrawal thereof is therefore respectfully requested.

Claim 22 is rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner acknowledges that Applicants were in possession of specific aPKC isoforms including PKM ζ . However, the Examiner is essentially concerned that Claim 22, as originally filed, may encompass any functional derivative of any isoform of aPKC. The Examiner alleges that the specification does not identify any particular portion of the structure that must be conserved for activity. The Examiner alleges that it is not clear what molecules are encompassed by the terms "isoform" and "functional derivative."

Applicants respectfully submit that Claim 22, as amended, clearly delineates that the claimed antibody is an antibody against PKM ζ . As acknowledged by the Examiner, the inventors were in possession of specific aPKC isoforms including PKM ζ at the time the present application was filed. Thus, Applicants respectfully submit that the Claim 22, as amended, is directed to an antibody against specific molecules with known structures, physical and chemical properties, functional characteristics. Accordingly, Applicants submit that the present application provides sufficient description and evidence to one skilled in the art that the inventors had possession of the claimed antibody at the time the present application was filed.

Therefore, the rejection of Claim 22 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement is overcome. Withdrawal of the rejection is therefore respectfully requested.

Claims 22 and 23 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Naik et al. (*Journal of Comparative Neurology*, 426: 243-258, 2000).

The Examiner alleges that Naik et al. teach a PKC primary antisera that binds to PKM ζ . Thus, the Examiner contends that the prior art anticipates the antibody product of the claims. Applicants disagree. In fact, the antisera disclosed in Naik et al. does not bind to the protein PKM ζ , as presently claimed. Thus the rejection of claims 22 and 23 under 35 U.S.C. §102(b) is overcome and withdrawal thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Bernstein', with a long horizontal stroke extending to the right.

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